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From: Commander, Seventeenth Coast District (dp)
To: Distribution

Subj: SMALL PASSENGER VESSEL DECK RAIL HEIGHT AND RAIL COURSE
REQUIREMENTS

Ref: (a) 46 CFR 177.900
(b) 46 CFR 177.115
(c) 46 CFR 177.35-1 (Old T)

1. **PURPOSE.** This inspection note provides guidance for review of rail height and rail course requirements found in reference (a).

2. **ACTION.** Marine Inspectors shall be governed by the contents of this inspections note for ensuring rail height and rail course requirements are being met on small passenger vessels operating within their AOR.

3. **BACKGROUND.**

a. Small Passenger Vessels (SPV) must provide rails and guards to meet the requirements of the industry that they were operating within. Paragraphs (d)(1) and (g)(1) of reference (a), which governs Subchapter T, require excursion/sight seeing SPVs to install rails at least 39.5 inches high with rail courses (or equivalent) at intervals of not more than four inches Paragraphs (d)(3) and (g) of reference (a) require all non-excursion and sight seeing SPVs, such as charter fishing vessels, to have rails at 36 inches high with rail courses (or equivalent) at intervals of not more than 12 inches. In addition, non-excursion and sight seeing SPVs built before 11 March 1996, also known as existing vessels, are required by references (b) and (c) to have rails at 36 inches high with rail courses at intervals of not more than 12 inches. Also, existing excursion and sight seeing SPVs covered by references (b) and (c) are required to have rails at 42 inches high with rail courses (or equivalent) at intervals of not more than four inches.

b. Economic opportunities within the tourism and eco-tourism industry are causing non-excursion and sight seeing vessels, such as charter fishing vessels, to expand their services to include excursion and sight seeing trips. These vessels are required to alter their configuration to conform to the excursion and sight seeing vessel requirements contained in reference (a). As a result, many vessels operating within D17, previously required to conform to the minimum 36 or 42 inch rail height with not more than 12 inch rail course intervals, are expanding to the sight-seeing and excursion trade and are therefore required to conform to the minimum 39.5 inch rail height with four inch rail course intervals.

4. IMPLEMENTATION:

a. As SPVs are examined at their regularly scheduled annual exam, the attending marine inspector will inquire about the vessel's trade to determine if excursion trips are, or will be, made during the coming year. If the owner/operator indicates excursion trips are, or will be made, then the vessel's rail height and course spacing will be measured to determine compliance with the applicable regulations. Vessels not in compliance will be issued a requirement to make appropriate modifications. The requirement due date will not be later than the beginning of the next operating season from the date of inspection (but not less than 60 days). Until the vessel makes the required rail modifications, the following operational restrictions will be applied.

- (1) Require "at risk" passengers to remain in designated areas at all times.
- (2) Require "at risk" passengers to wear a Personal Floatation Device (PFD) at all times times while on board; or
- (3) Other methods considered by the Sector to provide "at risk" passengers an equivalent level of safety.


b. "At risk" passengers are:

- (1) Individuals of less than 36 inches in height.
- (2) Elderly or disabled individuals who may have difficulty keeping themselves afloat without assistance of a PFD.

c. Designated areas are those areas where there is additional fall protection (i.e. limited lengths of handrails) or where there is no threat of falling (e.g. inside the cabin).

d. Operators should be strongly encouraged to include warnings in the required pre-departure briefing of falling hazards.

5. For questions concerning this note, please contact D17 (dpi) at 907-463-2805.


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By direction

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